Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/895,356	STEINMARK, DANIEL E.
	Examiner	**Art Unit**
	Julie Lieu	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7, 20, 31 and 38-47* is/are allowed.

6)☒ Claim(s) *1-6, 8-19, 21-30, 32-37, and 48-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to Amendment filed May 7, 2004. Claims 1, 3, 7, 14,

16, 20, 27, 2931, 38, 42, 48, 50, and 52 have been amended.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 103

3.   Claims 1-6, 8-19, 21-27, 29-30, 32, 34-37, and 48-51 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Dewey (US Patent No. 6,229,430) in view of Jeong (US Patent No.

5,802,158).

<u>Claim 1:</u>

Dewy discloses a system for providing an adjustable alert system, comprising:

a.   Receiving user related and configuration information (102), the user related

information including at least one of user-requested alarm time and user login

information, the user login information, the user login information allowing the retrieval

of the user-requested time

b.   Connecting to a content provider 118 to gather present unexpected condition

information relevant to the user

c.   Determining an adjusted alarm time, wherein the adjusted alarm time factors in

the user related and configure information and the unexpected condition information

d.   Providing an alarm signal when the actual time reaches the adjusted alarm time.

See col. 3.

The reference fails to discuss user information including a user login information.

Nonetheless, the concept of using a user login information such as using a password to allow

retrieval of stored information is conventional in the art as taught in Jeong. See front page

figure. In light of this teaching, it would have been obvious to one skilled in the art to

incorporate this idea into the system of Dewey because it would allow only authorized person to

make a change which would protect a user's privacy.

Claim 2:

The connection to the content provider is made to insure the adjusted alert time preferred

by a user is made according to the occurrence of the unexpected condition specified by the user.

It would have obvious to one skilled in the art to connect the system to the information provider

on a periodic basis to gather the most recent unexpected condition information and adjust the

alarm time on a periodic basis based on the user related and configuration information and the

most recent unexpected condition information because it would allow the alert time to be

accurately adjusted up to date with the most recent updated information.

Claim 3:

The user login information in Dewey allows the retrieval of user-requested time and at

least one of the user related information or other user configuration information based on

historical information obtained in a previous use by a user; e.g. driving route.

Claim 4:

The use related information includes at least one of a user's location, destination, user's preferred routes and user related flight or mass transit information.

Claim 5:

The user's location and user's destination are utilized to determine the routes that a user uses to travel from the location to the destination.

Claim 6:

The user configuration information includes at least one of parameters and preferences that specify the amount of alarm adjustment for certain unexpected conditions, e.g. time adjustment from normal set time in case of snowing.

Claim 8:

The user configuration includes at least one of parameters and preferences that control the amount of effect for certain unexpected conditions. Col. 4, second paragraph.

Claim 9:

A special alarm in Dewey is activated by the enhanced alarm clock when the adjusted alarm time differs from the user-requested alarm time. That is, the second alert time will be activated when the actual time is equal to the adjusted alarm time.

Claim 10:

The expected condition disclosed in Dewey relates to the traffic information, including at least one of accidents, average speed, congestion, construction and travel restrictions.

Claim 11:

The unexpected condition information in Dewey relates to weather information,

including at least one of snow, rain, fog, sleet, hail, and high winds.

Claim 12:

The unexpected condition information in Dewey relates to delay or advancement of at

least one or mass-transit arrival time and mass-transit departure time, e.g. flight schedule.

Claim 13:

The alarm signal in Dewey includes at least one of an audible, visual, sensory, and

vibration signal.

Claims 14-19 and 21-26:

The rejection of claims 14-20 and 21-26 recites the rejection of claims 1-13 except they

are computer readable instructions which inherently disclosed and are performed by the system

of Dewey.

Claim 27:

Dewey discloses an enhanced alarm signal generating system, comprising:

a.   An alarm signal generator 100 that receives user related and configuration

information (102) and create an alarm signal 124, the use related information including at

least on of user-requested alarm time and user login information, the user login

information allowing the retrieval of the user-requested time

b.   A content provider that gather present unexpected condition information relevant

to the user; and

c.   A communication link 110 that connects the alarm signal generator with the

content provider, wherein user related information is sent to the content provider via the

communications link 112 to gather the unexpected condition information, an adjusted

alarm time being determined on the basis of the user related and configuration

information and the unexpected condition information, and an alarm signal being created

when the actual time reaches the adjusted alarm time.

The reference fails to discuss user information including a user login information.

Nonetheless, the concept of using a user login information such as using a password to allow

retrieval of stored information is conventional in the art as taught in Jeong. See front page

figure. In light of this teaching, it would have been obvious to one skilled in the art to

incorporate this idea into the system of Dewey because it would allow only authorized person to

make a change which would protect a user's privacy.

Claim 28:

The rejection of claim 28 recites the rejection of claim 2.

Claim 29:

The rejection of claim 29 recites the rejection of claim 3.

Claim 30:

The unexpected condition information in Dewey (e.g. snow) is received by and the

adjusted alarm is determined by the alarm signal generator.

Claim 32 :

It is inherent that the user configuration information in Dewey includes at least one of

parameters and preferences that specify the amount of alarm adjustment for certain unexpected

conditions, e.g., the delay time or advance time which the user chooses to have the set alarm to

be deviated from upon the occurrence of the unexpected conditions (snow).

Claim 34:

The user configuration information disclosed in Dewey includes at least one of

parameters and preference that relate control the amount of effect for certain unexpected

conditions.

Claim 35:

The alarm signal in Dewey is a special alarm when the adjusted alarm time differs from

the user-requested alarm time.

Claim 36:

The rejection of claim 36 recites the rejection of claim 13.

Claim 37:

The alarm signal generator in Dewey is one of a normal alarm clock integrated with a

receiver and a processor, an enhanced alarm clock device, and a device that incorporates an

enhanced alarm clock.

Claim 48:

Dewey discloses an intelligent alarm signal generator, comprising:

a.   A user interface device 116 for inputting user related and configuration

information, the user related information including at least one of user-requested alarm

time and user login information, the user login information, the user login information

allowing the retrieval of the user-requested time

b.   A communication equipment 106, 110 that allows communication to be

established between the intelligent alarm signal generator and a content provide;

c.   A first logic 106 that retrieves or accepts unexpected condition information

relevant to the user from the content provider 118

d.   A second logic 106 that determines an adjusted alarm time based on the user

related and configuration information and the retrieved unexpected condition information

e.   A clock that has the actual time within processor 106

f.   An alarm that creates an alarm signal when the actual alarm time reaches the

adjusted alarm time.

The reference fails to discuss user information including a user login information.

Nonetheless, the concept of using a user login information such as using a password to allow

retrieval of stored information is conventional in the art as taught in Jeong. See front page

figure. In light of this teaching, it would have been obvious to one skilled in the art to

incorporate this idea into the system of Dewey because it would allow only authorized person to

make a change which would protect a user's privacy.

Claim 49:

The rejection of claim 28 recites the rejection of claim 2.

Claim 50:

The rejection of claim 50 recites the rejection of claim 3.

Claim 51:

The alarm 124 in Dewey includes an audio source. Col. 4, lines 4-8.

4.   Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey (US

Patent No. 6,229,430) in view of Jeong (US Patent No. 5,802,158) and Herold (US Patent No.

5,832,067).

Claim 52:

Dewey discloses an intelligent alarm signal generator, comprising:

a.   First communication equipment 100 for inputting user related and configuration

information, the user related information including at least one of user-requested alarm

time and user login information, the user login information, the user login information

allowing the retrieval of the user-requested time

b.   Second communication equipment 114 that allows communication to be

established between the intelligent alarm signal generator and a content provider;

c.   A first logic 106 that retrieves or accepts unexpected condition information

relevant to the user from the content provider 118

d.   A second logic 106 that determines an adjusted alarm time based on the user

related and configuration information and the retrieved unexpected condition information

e.   A clock that has the actual time within processor 106

f.   An alarm that creates an alarm signal when the actual alarm time reaches the

adjusted alarm time.

The alarm device in Dewey is not a calling device that makes a call telecommunication

equipment when the actual time reaches the adjust alarm time; however, such concept of calling

a telecommunication device upon the predetermined alarm condition being met is well known in

the art as taught in Herold. In light of this teaching, it would have been obvious to one skilled in

the art to use a calling device to call a subscriber to provide an alert because it is conventional in

the art. This way a subscriber can conveniently receive the alert without actually being at the site

where the alarm system is located.

The reference fails to discuss user information including a user login information.

Nonetheless, the concept of using a user login information such as using a password to allow

retrieval of stored information is conventional in the art as taught in Jeong. See front page

figure. In light of this teaching, it would have been obvious to one skilled in the art to

incorporate this idea into the system of Dewey because it would allow only authorized person to

make a change which would protect a user's privacy.

Claim 53:

The rejection of claim 50 recites the rejection of claim 2.

Claim 54:

The rejection of claim 50 recites the rejection of claim 3.

Allowable Subject Matter

5.   Claims 38-47 would be allowable if rewritten or amended to overcome the rejection(s)

under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6.   Claims 7, 20, and 31 are allowed.

Response to Applicant's Remarks

2.   Applicant's arguments filed 5/7/04 have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The

examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Julie Lieu
Primary Examiner
Art Unit 2636

Jul. 20, 04